

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/586,325 Confirmation No.:
1838
Applicant : Ulf HOULBERG et al.
Filed : July 14, 2006
Title : **METHOD AND SYSTEM FOR COLORIMETRIC
DETERMINATION OF A CHEMICAL OR PHYSICAL
PROPERTY OF A TURBID MEDIUM**
Docket No. : 58982.000040
Customer No. : **21967**

MAIL STOP PCT

Attention: Office of PCT Legal Administration
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION DECISION

Sir:

Applicants respectfully request reconsideration of the Petition Decision mailed on February 19, 2008, rejecting Applicant's Petition Under 37 CFR §1.47(a). In this decision the PCT Legal Examiner indicates that the Item (2) of 37 CFR 1.47(a) has not been satisfied. The Petition Decision notes that the Declaration and supporting documents submitted by Applicants on September 5, 2007 are insufficient because Applicants failed to submit documentary evidence showing that a complete copy of the subject application, including specification, claims and drawings were forwarded and received by the non-signing inventor.

In response, Applicants respectfully submit a copy of a cover letter accompanying a package sent to Mr. Joseph M. Sturino on March 26, 2008. The letter and package were delivered via courier to Mr. Sturino on March 28, 2008 at his last known address in College Station, TX. The cover letter clearly states both in the text and in the listing of enclosures that Mr. Sturino is being provided with full copies of the specification, claims and figures of U.S. Patent Application Serial No. 10/586,325 (the subject application). Applicants also enclose a copy of the confirmation provided by the international courier service which includes the

signature of the cosignee or agent recipient. This confirmation indicates that a complete copy of the application including specification, claims and drawings were presented to the non-signing inventor.

The PCT Attorney Advisor indicates in the Petition Decision that the remaining requirements of 37 CFR 1.47(a) were completed with the submission of September 5, 2007. Based on the foregoing, Applicants respectfully submit that the Petition Decision is moot and that this application should be transferred to the Technology Group for examination on the merits. It is believed that no fees are necessary as this response is timely. However, in the event that any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: 4/21/08

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March 26, 2008
Our ref: KBH

Dear Joe,

We have received the letter from Thomas Halloran, in which it appears that you are interested in cooperation regarding the two patent applications: US serial no 11/663,209, published as US2007248573A (Chimeric phages, our ref: P2085US02) and US serial no 10/586,325 (Colorimetric method, our ref P2011US01, national filing of WO2005/068982A1, text and figures in the US application are identical to the WO publication except for introduced amendments). I enclose full copies (including specification, claims and figures) of both patent applications.

The USPTO has started examination of the chimeric phage application and has asked us to limit the application to a certain group of claims, cf. the office action:

I would like your opinion on which group to elect. Which group (I, II or III) is the most important to patent? Please note that we should file a response ASAP in order to avoid that the application becomes abandoned. Also, please do not hesitate to contact me if you have any comments or questions.

Yours sincerely,

Chr. Hansen Holding A/S
IPR & Licensing

Klaus Bach Hagen
European Patent Attorney

Encl: Full copies of WO2005/068982A1 (PCT/DK2005/000027); Preliminary amendments filed in US10/586,325; US2007/0248573A1; and Office Action in US11/663,209.

